

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES CARREKER,

Plaintiff,

v.

CASE NO. 10-10746
HON. MARIANNE O. BATTANI

S. ADAMS, BAKER, OWENS,
RODGERS, TAPPENDEN, and
ZISCHKE,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff James Carreker, a state prisoner, brings this civil action alleging that Defendants violated his Eighth Amendment rights. The case was referred to Magistrate Judge Charles Binder for all pretrial proceedings. See, 28 U.S.C. § 636(b)(1); (Doc. No. 12).

Carrecker filed a motion for Declaratory Judgment on May 13, 2011, and on August 1, 2011, the Magistrate Judge issued his Report and Recommendation, in which he recommended that the Court deny Plaintiff's motion (Doc. No. 36). The Magistrate Judge informed the parties that objections to the R&R must be filed within fourteen days of service and that a party's failure to file objections would waive any further right of appeal. See (Doc. 36 at 8-9); 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(2); Thomas v. Arn, 474 U.S. 140 (1985).

Because no objection has been filed in this case, the parties waived their right to review and appeal. Accordingly, the Court **ADOPTS** the Report and Recommendation,

DENIES Plaintiff's motion.

IT IS SO ORDERED.

s/Marianne O. Battani
U. S. DISTRICT COURT JUDGE

DATED: September 6, 2011

CERTIFICATE OF SERVICE

Copies of this Order were served upon Plaintiff via ordinary U.S. Mail, and Counsel for the defendant, electronically.

s/Marianne O. Battani
Case Manager